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REMARKS

In the present Office Action, the drawings were objected to for allegedly failing to comply with 37 C.F.R. §1.84(p)(5); the abstract was objected to for repeating the title information; claims 1, 2, 8, 9 and 15 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 3,403,907 (hereinafter Keller) or, in the alternative, being obvious under 35 U.S.C. §103(a) in view of Keller; and claims 3-7, 10-14 and 16-20 were rejected under 35 U.S.C. §103(a) as being unpatentable over Keller.

With respect to the drawing objections, Applicant notes that the reference characters, mentioned in Applicant's specification, were included internal to the graphical depiction of the balls. However, Applicant has amended the drawings to relocate the reference characters, i.e., the numbers 1 and 2, external to the graphical depiction of the balls. Applicant has also supplied herewith a new Abstract to address the objection to the abstract. The title has been deleted from the Abstract. In addition, Applicant has amended claim 1 to correct a minor grammatical error.

With respect to the rejections of claims 1, 2, 8, 9 and 15 as being anticipated by or, in the alternative, obvious in view Keller, Applicant respectfully submits that in order for a claim to be anticipated, a prior art reference must disclose each of the claimed limitations. Further, in order for a prior art reference to render obvious Applicant's claimed subject matter, it must teach or suggest all of the limitations of Applicant's claims. With respect to the rejections of independent claims 1, 8 and 15, Applicant submits that Keller does not teach, nor does Keller suggest, a method for playing a game, as is set forth in Applicant's independent claims. More specifically, with respect to independent claims 1, 8 and 15, Keller does not teach or suggest a method of playing a game that associates a first ball and a first throwing ring with a first participant and a second ball and a second throwing ring with a second participant. To the contrary, Applicant submits that Keller merely discloses a game that utilizes a single hollow open end receptacle in which participants attempt to throw disc-like missiles.

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Amendments to the Drawings:

The attached sheets of drawings include changes to Figs. 1-3. These sheets, which include Figs. 1-3, replace the original sheets, including Figs. 1-3. In Figs. 1-3, the reference characters (i.e., the numbers 1 and 2) for the balls have been placed external to the graphical representations of the balls.

Attachment: Replacement Sheets for Figs. 1-3

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Moreover, while Keller discloses that multiple means 10 (e.g., swimming pools) may be used with multiple missiles 12 and 13, Keller does not teach or suggest associating both a vertical wall enclosure means 11 and a missile 12 or 13 with each participant in a game. Nor does Keller teach or suggest a playing field with a plurality of zones. The Office Action statement that "the pool can be divided into imaginary zones, e.g., front, middle and back sections" appears to be based upon impermissible hindsight, in view of Applicant's own disclosure. Furthermore, Keller, column 2, lines 25-27, merely states that more than one means 10 may be provided. As noted above, means 10 corresponds to, for example, a swimming pool. With respect to dependent claims 2 and 9, Applicant submits that Keller does not teach, nor does Keller suggest, having a plurality of playing zones that include a first playing zone, a second playing zone, a third playing zone and a fourth playing zone. Nor, with respect to claim 2, does Keller teach or suggest, that each of the playing zones has a different associated point value. With respect to claim 3, Applicant further submits that Keller does not teach or suggest a method for playing a game that allows the participants to play defensively by throwing their balls at another participant's ring. Furthermore, dependent claims 2-7, 8-14 and 16-20 are also allowable for at least the reason that they depend upon an allowable claim.

In sum, the fact that Keller, column 13, lines 27-38, states that the Keller game may be played in many different ways, does not teach, nor does it suggest, a method for playing all games that may be conceived.

Applicant respectfully submits that this reply is fully responsive to the above-referenced Office Action.

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CONCLUSION

For all of the foregoing reasons, Applicant respectfully submits that claims 1-20 are allowable. If the Examiner has any questions or comments with respect to this reply, the Examiner is invited to contact the undersigned at (616) 949-9610.

Respectfully submitted,

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04-14-05
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